

CONCLUSION

Where Do We Go From Here?

Schools continue to be safe havens for America’s children. Rare occurrences of serious school violence, however, have caused school districts around the country to grapple with the issue of school safety. There is agreement that schools should be safe and conducive to learning; however, the way to achieve these goals is very much in dispute.

Right now, schools are overreaching by inappropriately adopting law enforcement strategies that are leading students unnecessarily into the juvenile or criminal justice systems. For example:

- Schools are employing the “Broken Windows Theory” that is used by many law enforcement agencies.¹³⁵ This theory applies zero tolerance to all crimes, big and small, with the assumption that a swift and harsh response to minor misconduct will send the message that more serious crimes will not be tolerated.¹³⁶
- Some schools are profiling students in two ways. First, through zero tolerance: school officials believe that through their zero tolerance efforts, they will be able to deduce who the next school shooter will be. Second, through racial profiling: school staff uses stereotyping to crack down on youths they believe may be a threat.
- Schools increase police presence as a knee-jerk reaction without assessing why problems exist or how best to prevent them.¹³⁷
- Mandatory minimum sentences used in the criminal justice system¹³⁸ are being used to punish students. In many schools, students are subjected to inflexible punishments without regard to circumstances, especially with regard to fights. This is neither individualized justice nor effective.

Some schools also seem to be opting to discard students who are perceived as troublemakers and who could potentially disrupt learning. These strategies are being employed without regard for teaching youths how to change behavior, for using punishments that fit the conduct, or for acknowledging adolescent development.

These issues are not easy. Teachers should not spend all day disciplining students, nor should students miss out on opportunities to learn simply because of their race or because an adult has inappropriately decided they are not worthy of an education but instead belong in the penal system. Our penal system is already burgeoning—with more than 2.1 million adults in prison or jail.¹³⁹ If the schoolhouse-to-jailhouse track continues at its rapid pace, the fallout will be the continuing growth of the prison industrial complex.

Research has shown that prevention and intervention programs are the most effective methods for addressing school violence and creating a productive learning environment.¹⁴⁰ It is also more cost effective than hurling students into the juvenile justice system.¹⁴¹ The No Child Left Behind Act of 2001 now requires schools to be more accountable by showing that their violence prevention activities are research based and evaluated for effectiveness.¹⁴² State and local policy makers must examine the effectiveness of their school discipline policies and programs and take steps toward reforming this failing system.

Initial solutions:

- School districts should limit zero tolerance school discipline procedures to only conduct that pose a serious threat to safety.
- Schools should use arrests only under extreme circumstances, such as gun possession. There should be a moratorium on arrests for disorderly conduct and other such petty, non-violent offenses.
- Schools should adopt clear and concise school discipline guidelines that provide students and parents with notice of potential disciplinary actions for specific offenses. These policies should also specify the circumstances under which a student will be ticketed or arrested. In Denver, for example, there is no district-wide policy that specifies incidents that could lead to tickets or arrests. These guidelines should be included in agreements between school districts and police departments.
- School police and officers assigned to schools from local police departments should receive special training on how to effectively interact with youths and children with disabilities.
- School districts should establish school discipline oversight committees, which would include parents and students, to handle complaints about school discipline practices and the conduct of security and police officers. In addition, the committee should review discipline and arrest statistics and the school district's efforts to maintain safety in a fair and nondiscriminatory manner, while keeping students in school.
- States should adopt legislation requiring data collection and the reporting of arrests in schools (including offense, age, gender, grade, race, ethnicity, disability, and disposition). Legislation should also require that districts show improved (lower) rates of suspensions, expulsions, arrests, and racial disparities in order to receive funding.¹⁴³
- Schools should adopt and provide adequate resources for prevention and intervention programs that have been assessed for effectiveness and that are tailored to address the most common incidents in each school. (See Appendix II.) (In many districts, for example, alternatives to suspension or expulsion are not available for fights—the most common offense—thus locking out most of the students who are being suspended, expelled, or ticketed/arrested.) Districts must be committed to and supportive of these programs. For example, in Chicago, the following programs have been successful but are underfunded and underutilized:
 - **Peer Juries.** This award-winning program addresses the needs of suspended and expelled students due to their sometimes poor attendance patterns, difficulty completing school assignments, and issues of isolation from the school community and culture. Students are trained as peer jurors and work with students who have committed disciplinary offenses in an effort to connect them with community resources and to address root causes of their behavior and identify positive solutions. This highly successful program has been replicated in 25 high schools.¹⁴⁴

-- **Community Panels for Youth (CPY).** Another program that has enjoyed considerable success is CPY. Working in conjunction with the State's Attorney's Office, CPY is a community-based alternative to juvenile court. It provides youths charged with crimes the option of having their cases heard by panels of trained community volunteers rather than a judge in an adversarial setting. After hearing from the youth and listening to the victim, panelists develop a contract with the youth that holds him or her accountable by recognizing the harm (an apology, community service, in-kind restitution) caused by his or her acts; builds his or her skills and abilities through developing strengths, deepening interests, and matching the youth with an engaged adult; and keeps him or her on track and productive, attending school daily, maintaining contact with a monitoring panelist for 3–6 months, and remaining crime free. More than 80% of the students who participated in the program between 1997 and 2002 successfully completed their contracts, remained out of juvenile court, and had no delinquency records as a result. Yet, as successful as they have been, CPY could have a far greater impact; instead, it handles only about 50–70 cases a year.¹⁴⁵

- Schools and law enforcement should create and follow written policies that will require the referral of students to programs that are alternatives to suspensions, expulsions, and arrests in certain circumstances. For example, in 2003, the Baltimore Public Schools Police Department issued a written directive to its officers to seek placements in diversionary programs, such as teen courts, instead of arresting students. (See Appendix III.) Officers reported that, unfortunately, school officials wanted the arrests and thus thwarted the police efforts to make the placements
- Schools need funding resources to expand their staff of guidance counselors and social workers. Schools should also have social workers available, either on staff or by drawing on local social service agencies, to provide students and their families with connections to needed resources. While much of the youthful misbehavior described in this report should not necessitate extreme disciplinary action such as expulsion and arrest, it does point out the need for improved counseling and support of troubled students. Unfortunately, school counseling offices are frequently understaffed. Nationally, there is only one guidance counselor for every 477 students.¹⁴⁶ In the three sites researched for this report, the Palm Beach County School District has one guidance counselor for every 432 students, Chicago Public Schools has one for every 544 students, and Denver Public Schools—astoundingly—has one for every 1,151 students.¹⁴⁷
- Indigent youths should receive free legal representation in court proceedings where the outcome may lead to a juvenile or criminal record.

We must work toward a sound policy and practice to keep children and educators safe, where common sense is used in preventing violence and crime, and where schools become caring learning environments. To achieve these goals, community members, parents, students, school officials, law enforcement, and court officials must collaborate and reach agreement on the best path to take to stop the unnecessary criminalization of America's students.